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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,650	03/05/2002	Young-Sik Kim	2080-3-76	8512

35884 7590 10/30/2006

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EXAMINER

GIESY, ADAM

ART UNIT PAPER NUMBER

2627

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,650

Applicant(s)

KIM, YOUNG-SIK

Examiner

Adam R. Giesy

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-16 is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 9 is/are rejected.
- 7) ☒ Claim(s) 5-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 4, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamasaki et al. (hereinafter Yamasaki – US Doc. No. 2005/0083827 A1).

Regarding claim 1, Yamasaki discloses a lens for an optical recording and reproducing system comprising: a plane of incidence on which a light generated from a light source is made incident (Figure 21, element 112a); a first reflection side for reflecting a light passing through a plane of incidence (elements 112d and 112b – note that despite the fact that the surface is jointed, 112b and 112d are considered to be the same side of the prism); and a second reflection side for reflecting again the light that has been reflected on the first reflection side, the second reflection side being formed to be an ellipsoid side (element 112c; see also page 5, paragraph 0088), and the first reflection side and the second reflection side being coated with a reflection material (Figure 21, elements 113a, 113b, and 114; see also page 6, paragraph 0103), wherein one of two focal points of ellipsoidal side is positioned on the first reflection side (see Figure 17, element O – note that Figure 17 and Figure 21 are essentially the same

figure, however the position of the focal point is best depicted in Figure 17 and is shown to be on side 112d [the first side]).

Regarding claim 3, Yamasaki discloses all of the limitations of claim 1 as discussed in the claim 1 rejection above and further that a step is formed at the focal point portion of the first reflective side (see Figure 21, elements 114a and N).

Regarding claim 4, Yamasaki discloses all of the limitations of claim 3 as discussed in the claim 3 rejection above and further that the step has a size of 0.1 ~ 100 nm (see page 6, end of paragraph 0094).

Regarding claim 9, Yamasaki discloses all of the limitations of claim 1 as discussed in the claim 1 rejection above and further that one of the two focal points of the ellipsoid side is positioned lower than the first reflection side (see Figure 17, elements 112d, 112b, and P - note that focal point P is below the first side since the first side curves in an arc above the focal point as shown).

Allowable Subject Matter

3. Claims 5-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 5 is allowable over the prior art of record which does not disclose or suggest all of the limitations of claim 1 as well as the further limitation that a point symmetrical to another focal point of the ellipsoidal side with respect to the first reflection side is positioned at the plane of incidence.

Claims 6-8 are objected to as being dependent upon the aforementioned claim 5.

4. Claims 10-16 are allowed over prior art of record.

Claim 10 is allowable since none of the prior art of record, alone or in combination, discloses or suggest a lens for an optical recording and reproducing system comprising: a plane of incidence on which a light generated from a light source is made incident; a first reflection side for reflecting a light passing through a plane of incidence; and a second reflection side for reflecting again the light that has been reflected on the first reflection side, the second reflection side being formed to be an ellipsoid side, and the first reflection side and the second reflection side being coated with a reflection material, wherein one of two focal points of ellipsoidal side is positioned on the first reflection side, and a point symmetrical to another focal point of the ellipsoidal side with respect to the first reflection side is positioned at the plane of incidence.

The closest prior art by Yamasaki et al. (US Doc. No. 2005/0083827 A1) discloses a solid immersion lens for an optical recording system that has two reflective sides, one side being ellipsoidal in shape. Yamasaki does not disclose a point symmetrical to another focal point of the ellipsoidal side with respect to the first reflection side is positioned at the plane of incidence.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 2, and 10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

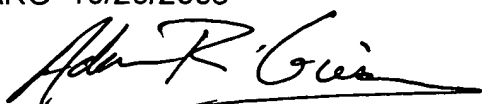
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam R. Giesy whose telephone number is (571) 272-7555. The examiner can normally be reached on 8:00am- 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ARG 10/20/2006




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